

Reference: 15/00633/FUL
Applicant: IDM
Location: Land At Rear Of 4 Pipe Lane Orton On The Hill
Proposal: Erection of 2 dwellings and garages

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as more than four letters of objection have been received from neighbours.

Application Proposal

This application seeks full planning permission for the erection of two dwellings. The proposed dwellings would be set well back from The Green and Pipe Lane with an access running along the northern boundary of the site. The dwellings would be one and a half storey with steep pitched gables and inward facing.

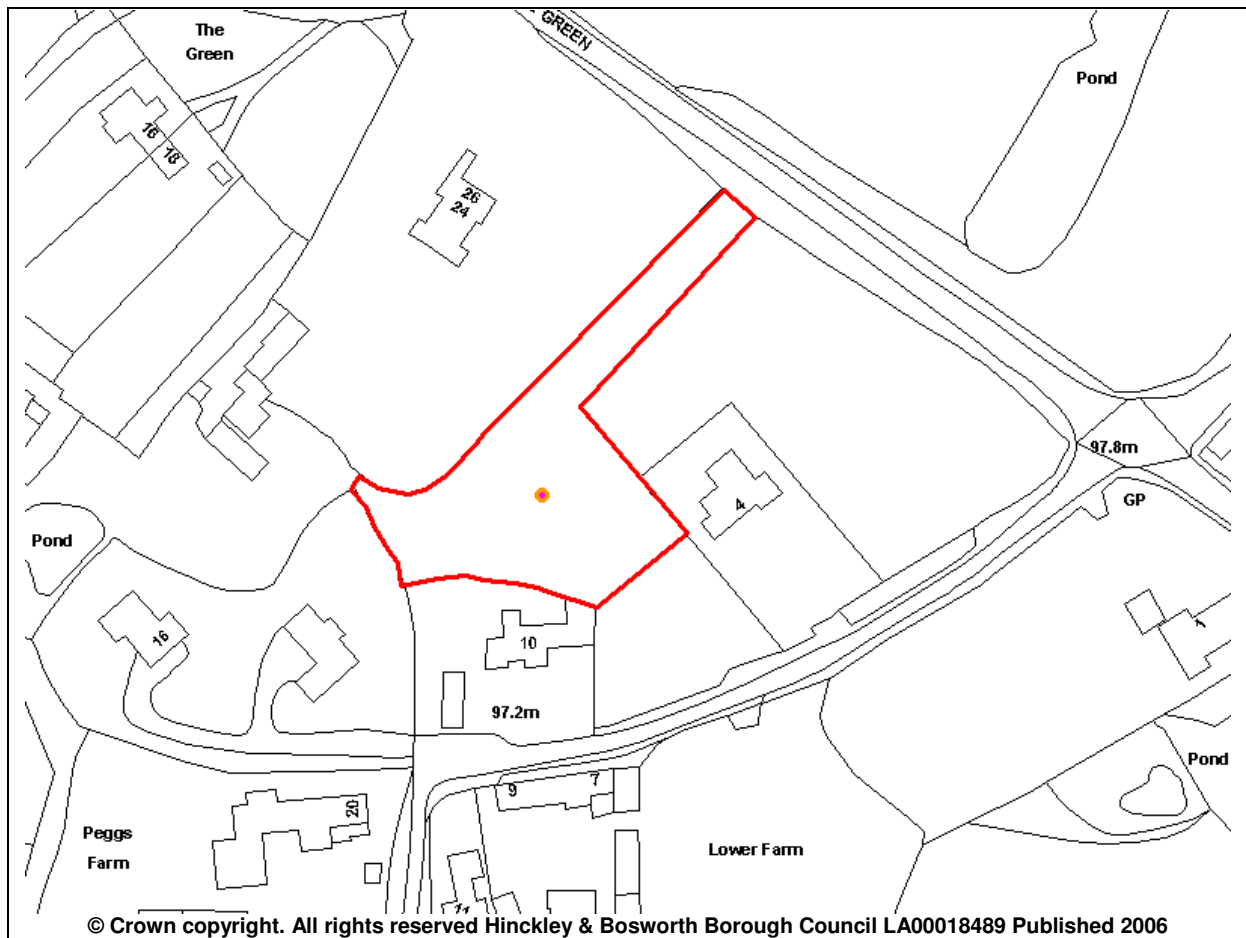
Site and Surrounding Area

The application site is located within the settlement boundary of Orton on the Hill. Development in the area comprises primarily residential development of varying styles and design with no uniform pattern of development.

The application site comprises an area of open space/paddock land to the rear of Pipe Lane and has an irregular shape due to the curtilage of neighbouring properties. Site levels slope gently from the north west down to the south east on the site and then steeper down to Pipe Lane. Adjacent to the southern boundary of the site is a significant Horse Chestnut tree which is subject to a Tree Preservation Order. The east boundary of the site comprises a wire mesh fence adjoining no.4 Pipe Lane and is open adjoining more paddock land; beyond the paddock land is a mature hedgerow adjoining The Green. The north west boundary comprises a mature hedgerow with several mature trees set behind the hedgerow. The south west boundary comprises a mix of close boarded fencing and hedgerow.

Relevant Planning History:-

14/00515/OUT	Erection of two dwellings (outline) access only	Granted	16.10.14
13/00135/TPO	Removal of tree	Refused	15.04.13
12/01089/TPO	Removal of tree	Refused	11.02.13
11/00602/FUL & 11/00603/CON	Demolition of existing dwelling and the erection of 6 dwellings with associated access	Refused	23.11.11



Consultations:-

No objections have been received from:-

Environmental Health (Pollution)
Environmental Health (Drainage)
HBBC Waste Services
Leicestershire County Council (Highways)
Leicestershire County Council (Ecology)
Leicestershire County Council (Archaeology)
Leicestershire County Council (Flood)
Severn Trent Water Limited

Site notice displayed and neighbours notified - 11 letters of objection have been received; the comments are summarised below:-

- a) overbearing impact on No.4
- b) loss of privacy to No.4 due to the location and number of windows
- c) disturbance from vehicles along the access at night
- d) lack of information to demonstrate surface water can be effectively dealt with
- e) lack of information regarding the septic tank
- f) lack of plans demonstrating the suitability of the access
- g) lack of on-site car parking provision
- h) protection of trees has not been taken into account
- i) lack of Heritage Statement
- j) two dwellings is uncharacteristically dense development

- k) the materials will contrast with the surrounding conservation area
- l) the steep pitched roofs are uncharacteristic of the area
- m) the dwellings will be dominant due to the size and position on elevated land
- n) the dwellings should not be two storey.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) 2012
 National Planning Practice Guidance (NPPG) 2014

Hinckley & Bosworth Core Strategy (2009)

Policy 13: Rural Hamlets

Hinckley & Bosworth Local Plan (2001)

Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
 Policy REC3: New Residential Development - Outdoor Play Space for Children
 Policy NE14: Protection of Surface Water and Groundwater Quality
 Policy BE1: Design and Siting of Development
 Policy BE7: Development in Conservation Areas
 Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential
 Policy T5: Highway Design and Vehicle Parking Standards

Site Allocations & Development Management Policies Development Plan Document - Submission Document December 2014

Policy DM1: Presumption in Favour of Sustainable Development
 Policy DM3: Infrastructure and Delivery
 Policy DM6: Enhancement of Biodiversity and Geological Interest
 Policy DM7: Preventing Pollution and Flooding
 Policy DM10: Development and Design
 Policy DM11: Protecting and Enhancing the Historic Environment
 Policy DM12: Heritage Assets
 Policy DM13: Preserving the Borough's Archaeology
 Policy DM17: Highways Design
 Policy DM18: Vehicle Parking Standards

Supplementary Planning Guidance/Documents

New Residential Development SPG (2000)
 Orton on the Hill Conservation Area Appraisal (2009)

Appraisal:-

The main considerations in the determination of this application are:-

- Principle of development
- Visual appearance and character of the conservation area
- Impact upon residential amenity
- Highway safety
- Drainage

- Archaeology
- Ecology
- Play and open space

Principle of Development

The principle of development for the erection of two dwellings on this site has been established through the previously approved planning application ref: 14/00515/OUT. It is considered that this development is acceptable in principle and would lead to the creation of sustainable development in accordance with the NPPF, policies 13 of the Core Strategy and DM1 of the Site Allocations DPD.

Visual Appearance and Character of the Conservation Area

Policies BE1 and BE7 of the Local Plan seek to ensure a high standard of design and preserve or enhance the special character of conservation areas. This is supported by chapters 7 and 12 of the NPPF.

The proposed dwellings would be located on the north and east sides of the site with an area of hardstanding between and landscaping to the west. The dwellings would be inward facing with the rear elevation of unit 2 and side elevation of unit 1 and the associated garage visible from The Green. There is no established uniform pattern of development in the area and therefore the proposed layout is not considered to be inconsistent with the character of the area.

The design of the dwellings comprises a simplistic gabled design which follows the general characteristics and proportions of the buildings within the conservation area. The degree of the pitch of gable ends is varied in the immediate surrounding built form. The proposed gable pitch would exceed that of the surrounding area but would complement the existing and is consistent with a rural design.

Due to the varying topography of the site, the dwellings would be sunk into the ground slightly which is consistent with the previously approved application, although no detailed plans were submitted for the previous application. The finished floor levels of unit 1 would be 0.3m below the highest adjacent ground to the north east and 0.1m above the land to the south. The finished floor levels of unit 2 would be 0.2m below the land adjacent to the north elevation and 0.2m above the land adjacent to the south elevation. Due to the steep pitch of the roofs the dwellings are relatively tall and located in a raised position adjacent to the surrounding dwellings which would make them prominent. Whilst the design is acceptable it is considered that the proposed dwellings should be sunk into the ground further to reduce the visual impact of the proposed dwellings and their prominence in relation to the surrounding built form. Viewed from The Green the ground levels rise in front of the proposed dwellings which would reduce the dwellings' visibility as illustrated by the street scene provided, however the street scene is not considered to be an accurate. The heights of the varying sections of the buildings are varied to reflect to the topography of the site and help to create a varied roof range. Subject to amended finished floor levels, it is considered that the bulk and mass of the proposed dwellings would complement the surrounding built form.

Amended plans have been submitted during the course of the application which proposes more appropriate detailing which is consistent with the surround buildings. This includes brick arches, blue brick cills, removal of gable chimney stacks, removal of canopies above the entrance doors, and reducing the number of roof lights. Some details of the doors have been submitted however the detailed design and any finishes on the wood would need to be submitted for approval and it is recommended that this be dealt with by planning condition.

The use of uPVC for the windows was discussed and it is noted that there are examples in the surrounding area of the use of this material. However, it is considered that uPVC would not be a suitable material that would complement or enhance the conservation area and therefore an alternative material should be used. A condition forms part of the recommendation to ensure that the profile, materials and detailed design of the window is appropriate.

It is proposed to clad some of the gable ends with timber. Two samples of differing timber have been submitted as representative examples of the types that could be used. The applicant has submitted a Burnt Flame coloured Marley Eternit clay plain tile. Custom made brick slips are proposed for the dwellings which are acceptable in-principle however a sample panel should be constructed and submitted for approval. Representative examples of the materials have been submitted and are considered acceptable. However, details and samples of the confirmed materials would need to be submitted for approval through condition.

The access to the proposed dwellings would be from the existing field access along the north west boundary. This is the same route as was approved under permission ref. 14/00515/OUT. It is proposed to bound the southern side of the access with a paddock style fence. The style of fence is considered acceptable in principle. Details of the fence design have not been submitted and therefore a condition forms part of the recommendation to agree this specification. Additionally, the gates are shown across the access which is acceptable in principle subject to design. It is proposed to construct the access using granite. This is likely to have an urbanising impact which would not assimilate into the surrounding area well. An alternative material has not been agreed and therefore it is proposed that the details of the hard surfacing for the access route should be submitted for approval as part of the discharge of a condition.

There are two significant trees adjacent to the application site; a horse chestnut to the south and common lime to the north east. Unit 2 would not encroach within the root protection area of the horse chestnut. A construction management plan would be required to ensure there are no detrimental impacts on the tree during construction and it is proposed that this be secured by condition. The proposed access track would encroach within the root protection area of the common lime and therefore construction details of the access would be required to ensure there would be no significant impact on the longevity of the tree. There are several trees adjacent to the north west boundary, outside the application site. The proposed dwellings and associated works would not impact upon these.

In light of the above, it is considered that the proposal would be in keeping with the character of the conservation area. The proposal is therefore in line with saved Policy BE1 of the Local Plan (2001) and DM10, DM11 and DM12 of the Site Allocations DPD (2014).

Impact upon Residential Amenity

Policy BE1 of the Local Plan states that development proposals shall not harm the amenity of neighbouring residential properties. The applications site adjoins: 24 The Green and 4, 10 and 14 Pipe Lane.

Unit 1 would be located in close proximity to the north west boundary. There would be two roof lights in the rear elevation; one serving a bedroom and the other serving a bathroom. The dwelling would be located parallel to an area of garden land of 24 The Green. The boundary between the proposed dwelling and the garden of 24 The Green comprises several mature trees which would mitigate any overlooking of the neighbouring rear garden. It is not considered that the proposed dwelling would have an overbearing or overshadowing impact on occupiers of 24 The Green.

Unit 1 would comprise large windows at first floor level in the gable end of the west and south elevations. The windows would be in excess of 13m from the nearest boundaries adjoining nos.10 and 14 Pipe Lane which, despite the sloping of the land, is sufficient to avoid any overlooking of the neighbouring properties.

Unit 2 would be located in close proximity to the boundary adjoining no.4 Pipe Lane. The rear garden of no.4 currently enjoys an aspect to the rear. The proposed dwelling would create a gable near to the north west corner of the garden with projections to the north and south with roofs sloped away from no.4. The proposed dwellings would impact on the current open aspect from the garden with the introduction of the development. However due to its location primarily along the side boundary it is not considered there would be an overbearing impact. There are five windows ground on the ground floor of the east elevation. These are all high level and would not cause overlooking of the neighbouring garden. There are two roof lights proposed in the eastern roof slopes. These could result in overlooking and therefore a condition forms part of the recommendation to ensure these are obscure glazed and non opening. It is considered that due to separation distances from other surrounding properties' boundaries that unit 2 would not impact on any other neighbours.

Concern has been raised over noise and disturbance caused by cars accessing the proposed dwellings especially at night. The location of the access has been previously approved through application ref: 14/00515/OUT where it was considered that given the relatively minor scale of development proposed, the resultant level of disturbance from the use of the access is not considered to result in a material level of harm to the existing or future occupants. The situation has not changed as part of this proposal and therefore, the location of the access would not have a detrimental impact on the amenity of neighbours. The applicant has proposed the use of partially bound and partially loose granite for the driveway. As referred to above, the use of this material is considered visually inappropriate and therefore an alternative material is proposed to be secured through condition which should be bound to reduce noise.

There are no boundaries shown on the submitted plans to separate the gardens of the two proposed dwellings. However, due to the location of the dwellings set back from the road and the generous plot sizes, it is considered that sufficient private amenity space can be achieved in accordance with the Council's Design Guidance.

It is therefore considered that the proposal is acceptable and in accordance with saved Policies BE1 of the Local Plan (2001), DM10 of the Site Allocations DPD (2014) and the New Residential Development SPG (2000).

Highway Safety

It is proposed to use the existing field access adjoining The Green to gain access to the proposed dwellings. This is consistent with the access that was proposed as part of planning application ref: 14/00515/OUT which was approved subject to conditions. LCC Highways commented that their response on the previously approved application should be referred to. Details submitted show that the proposed access would be 5.25m wide for the first 10m from the near edge of the highway which is in accordance with local highway standards for a shared access for two dwellings. Beyond 10m from the highway the access would reduce to 4.5m with a 0.5m footpath adjacent. A gate is proposed across the access, set 10m back from the highway which is sufficient to allow a vehicle to pull clear of the highway when entering the site. A condition forms part of the recommendation to ensure the gate opens away from the highway.

Each of the proposed dwellings would have four bedrooms and therefore there is a requirement for three car parking spaces to be provided per dwelling. Two car parking

spaces can be accommodated for each dwelling within the proposed garages and there is additional space forward of the garages. There would be sufficient space on the area identified as 'driveway' for vehicles to park and manoeuvre so that future occupiers can egress the site in a forward gear.

The proposal provides a suitable level of car parking provision and will not be detrimental to highway safety in accordance with saved policy T5 of the Local Plan (2001) and DM17 and DM18 of the Site Allocations DPD (2014).

Drainage

The site does not benefit from a foul drainage system and it is proposed to install a biodisc treatment package unit (septic tank) to serve the proposed dwellings. Concerns have been raised over the impact of discharged materials on the trees to be retained on-site. Therefore, prior to commencement of works, full details of the foul drainage system would need to be submitted. A suitable condition forms part of the recommendation.

The site does not benefit from a surface water drainage system. It is proposed to mitigate surface water run-off using a sustainable urban drainage system. Permeability testing confirmed low levels of infiltration across the site and therefore it is proposed to construct permeable driveways with storage beneath all hardstanding with the addition of a rainwater harvesting system.

The Drainage Statement submitted suggests further soil permeability testing should be carried at the location of outfall points for the biodisc unit and rainwater harvesting overflow systems prior to works. This would need to be undertaken as part of a detailed drainage scheme which should be submitted for approval and it is recommended that this be dealt with by planning condition.

Concern was raised over the impact of the dwellings on the existing flooding problem along The Green. The Lead Local Flood Authority commented that it is unlikely the development will be impacted by the existing flooding issue. Additionally, Severn Trent Water raised no objection to the application.

Subject to a suitable drainage scheme, it is considered the proposed dwellings would not have a detrimental impact on flooding nor groundwater quality and is in accordance with policies NE14 of the Local Plan (2001) and DM7 of the Site Allocations DPD (2014).

Archaeology

Leicestershire County Council (Archaeology) commented that an archaeological evaluation was undertaken on the application site 2010. The results of the report show that the proposed development is unlikely to impact significant archaeological remains and therefore no further archaeological investigation is necessary. It is considered that the proposed development will not have a detrimental impact on archaeological remains and is in accordance with Policy BE13 of the Local Plan and DM13 of the Site Allocations DPD.

Ecology

Ecological reports were submitted with the previous application on the site. This showed evidence of badgers using the site. However there were no setts on-site or in a location that would be impacted by the development. The previous reports recommended conditions which Leicestershire County Council Ecology consider appropriate to mitigate any harm to badgers. Additionally, an updated ecological report would be required if development has not commenced within 3 years of the most up-to-date report for the site. It is considered that,

subject to conditions, the proposed development will not have a detrimental impact on protected species and biodiversity and is in accordance with policy DM6 of the Site Allocations DPD (2014) and paragraph 118 of the NPPF.

Play and Open Space

Policy REC 3 of the Local Plan requires a financial contribution towards play and open space in certain circumstances. In this instance, there is no existing open space within 400 metres of the site and as such it is not appropriate to request a contribution.

Conclusion

The site is in a sustainable location within the settlement boundary of Orton on the Hill where residential development is acceptable in principle. By virtue of the proposed layout, scale, design and appearance, subject to conditions, the scheme would complement the character and appearance of the conservation area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties. The proposed layout also allows adequate access and off-street vehicle parking and turning to be provided within the site to ensure that it will not result in any adverse impact on highway safety. The proposed scheme is considered to be in accordance with Policy 13 of the adopted Core Strategy, policies IMP1, REC3, BE1, BE7, BE13 and T5 of the adopted Local Plan, policies DM1, DM3, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the Site Allocations DPD (2014) the adopted SPG on New Residential Development together with the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Grant subject to conditions.

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials, received by the Local Planning Authority on 15 September 2015:-
 - Unit 1 Proposed Elevations
 - Unit 2 Proposed Elevations
 - Proposed Floor Plans, Unit 1
 - Proposed Floor Plans, Unit 2
 - Garage Elevations, Site Layout, Site Plan
 - Proposed Entrance Drive Layout and Fencing Detail
- 3 Before any development commences, details of the types and colours of materials to be used on the external elevations of the proposed dwelling and garage shall be submitted and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

- 4 Notwithstanding the finished floor levels shown on the submitted plans, no development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 5 Prior to commencement of development, details of all external doors shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 6 Prior to commencement of development, full details, including large scale drawings, of the window style, reveal, cill, header treatment and materials shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 7 No works hereby permitted, and associated works, including underground services, shall be within the root protection of the Horse Chestnut tree to the south of the application and identified as Tree 1 on submitted drawing no. 5273 FE TL 02 dated 08.10.14. Additionally, during construction, no materials, equipment or machinery shall be stored within the root protection area of the tree.
- 8 Notwithstanding the submitted details, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) Means of enclosure
 - b) Car parking layouts
 - c) Other vehicle and pedestrian access and circulation areas
 - d) Hard surfacing materials
 - e) Proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
 - f) Planting plans
 - g) Written specifications
 - h) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - i) Implementation programme.
- 9 Notwithstanding submitted details, prior to commencement of development, full details of a scheme for the disposal of surface water and foul water on-site to serve the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 10 The mitigation and recommendations within the Protected Species Assessment Report, Ref: 2014 - 09 (02) Rev A - addendum Only 17 September 2014 shall be strictly followed and implemented. If works have not commenced within 3 years of the date of the report, an updated Protected Species Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved mitigation and recommendations of that report.

- 11 The roof lights to be inserted in the north east roof slopes of unit 2 shall be obscure glazed and non-opening below 1.8m above floor level and shall be retained as such at all times thereafter.
- 12 Prior to commencement, a method statement shall be submitted to and approved in writing by the Local Planning Authority; this should illustrate drive construction to the north of T9 Lime tree where it crosses the root protection area (RPA). The method statement shall indicate how root and soil damage will be avoided. The method statement shall be implemented as approved.

Reasons:-

- 1 To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3-6 To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that trees are not damaged and there will be no ground intrusions that could be detrimental to long-term health of the tree. In accordance with Policies NE12 and BE1 of the Hinckley & Bosworth Local Plan
- 8 To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure groundwater quality and that surface water is adequately disposed of in accordance with Policy NE14 of the adopted Hinckley & Bosworth Local Plan and to ensure there is no detrimental impact on the surrounding trees of value in accordance with Paragraph 109 of the National Planning Policy Framework
- 10 To ensure that the development minimises impacts on biodiversity In accordance with paragraph 109 of the NPPF.
- 11 To ensure the privacy of the occupiers of No. 4 Pipe Lane from overlooking in accordance with policy BE1 of the Hinckley & Bosworth Local Plan.
- 12 To ensure that trees are not damaged during construction and that soil bulk density will not be increased and be detrimental to long-term health of the tree. In accordance with Policies NE12 and BE1 of the Hinckley & Bosworth Local Plan

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Richard West Ext 5809